

tiff; and in support of their representation, they filed with it several affidavits. Upon all which they prayed to be heard; that the bill might be reinstated; that a guardian of the plaintiff might be appointed to prosecute the suit; and that such order might be passed as the nature of the case should require.

BLAND, C., 27th November, 1826.—Ordered, that this application to reinstate the case stand for hearing on the fourth day of January next;—that depositions taken by either party on one day's notice may be read in evidence at the hearing;—that the Chancellor will at the hearing require the personal presence of the complainant for the purpose of informing himself upon the subject of this application; but he desires it to be distinctly understood, that the complainant must not be removed from home so as to subject her to great personal inconvenience, or so as to endanger the * health of one so advanced in years, and reduced by infirmities. The relation however in which all the parties concerned stand to the complainant will, it is believed, insure proper respect and attention to her personal comfort and security. And the register is directed to transmit a copy of this order to the solicitor for the defendant. **372**

The taking of proofs and the hearing of this matter were several times postponed at the instance of the plaintiff's solicitors; and a further short delay having been granted by an order of the 29th March, 1827, the matter was soon after that brought before the Court.

BLAND, C., 17th April, 1827.—The matter of the petition to reinstate this case standing ready for hearing, the solicitors of the parties were fully heard; all the proceedings and proofs were read; and the plaintiff, Colegate D. Owings, having been brought into the presence of the Chancellor, he interrogated and conversed with her as to the subject in controversy, and also on various matters having a tendency toward, or connected with it. All of which the Chancellor has deliberated upon and maturely considered.

The case is of a peculiar and extraordinary nature. It is not alleged, nor does it in any way appear, that at the institution of this suit anything was done that ought not to have been done; or that this proceeding was an improper one with a view to the rights and interests of the plaintiff. *Wartnaby v. Wartnaby, Jac. Rep.* 377. A cloud has been impended over the title to the property mentioned in the proceedings, which threatens to gather and thicken by delay. The means of dispersing it, the proofs in relation to the controversy, may be more entirely, readily, and cheaply obtained now than at any future period; therefore, justice as well as the peace and interests of all concerned, seem strongly to re-